

By: Representative Livingston

To: Game and Fish

## HOUSE BILL NO. 898

1 AN ACT TO AMEND SECTION 49-5-115, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE FINE THAT MAY BE IMPOSED FOR VIOLATION OF CERTAIN  
3 STATUTES OR RULES AND REGULATIONS OF THE MISSISSIPPI COMMISSION ON  
4 WILDLIFE, FISHERIES AND PARKS RELATING TO THE TAKING, CAPTURING,  
5 TRANSPORTATION OR POSSESSION OF CERTAIN NONGAME WILDLIFE THAT ARE  
6 ENDANGERED OR ARE IN NEED OF MANAGEMENT; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 49-5-115, Mississippi Code of 1972, is  
9 amended as follows:

10 49-5-115. (a) Any person who violates the provisions of  
11 subsection (c) of Section 49-5-107, or any regulations issued  
12 under Section 49-5-107 or whoever fails to procure or violates the  
13 terms of any permit issued thereunder shall be guilty of a Class I  
14 violation and punished as provided in Section 49-7-141.

15 (b) Any person who violates the provisions of subsection (c)  
16 of Section 49-5-109, or any regulations issued pursuant thereto or  
17 whoever fails to procure or violates the terms of any permit  
18 issued under subsections (d) and (e) of Section 49-5-111 shall be  
19 fined Five Thousand Dollars (\$5,000.00), or be imprisoned not more  
20 than one (1) year, or both.

21 (c) All law enforcement and management officers of the  
22 commission and other law enforcement officers authorized to  
23 enforce the laws of the State of Mississippi are authorized to  
24 carry out the provisions of Sections 49-5-101 through 49-5-119.  
25 Any officer or agent may, without warrant, arrest any person who  
26 the officer or agent has probable cause to believe is violating,  
27 in his presence or view, any section, regulation or permit  
28 provided for by Sections 49-5-101 through 49-5-119. An officer or

29 agent who has made an arrest of a person for any such violation  
30 may search the person or business records at the time of arrest  
31 and seize any wildlife, records, or property taken, or used in  
32 connection with the violation.

33 (d) Equipment, merchandise, wildlife, or records seized  
34 under subsection (c) of this section shall be held by an officer  
35 or agent of the commission pending disposition of court  
36 proceedings, and may be forfeited to the state for destruction or  
37 disposition as the commission may deem appropriate. Prior to  
38 forfeiture, the commission may direct the transfer of wildlife so  
39 seized to a qualified zoological, educational, or scientific  
40 institution for safekeeping, costs thereof to be assessable to the  
41 defendant. The commission is authorized to issue regulations to  
42 implement this subsection.

43 SECTION 2. This act shall take effect and be in force from  
44 and after July 1, 1999.